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EXAMINER
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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No	Applicant(s)
Office Action Summary	09/656,959	ADACHI, TETSUJI
	Examiner	**Art Unit**	
	Salad E Abdullahi	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 February 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _2,4,5,9,11,16,18,20 and 26_ is/are allowed.

6)☒ Claim(s) _1,3,6-8,10,12-15,17,19 and 21-25 & 27-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response

1. The response filed on 2/3/2004 has been received and made of record.

2. Claims 1-32 are pending. The rejection cited stated below.

3. Applicant's argument with respect to claim 1, 3, 6-8, 10, 12-15, 17, 19, 21-25, 27-32, has been considered but is not persuasive for the following reasons.

Applicant alleges "the request of Crisis et al., is initiated by the host; it is not a request message from the client terminal to the server system as recited in claim 1" (see page 24, lines 8-11). Examiner respectfully disagrees, because Crisis teaches the mobile device includes a software update schedule table for providing one or more times at which the mobile device is to inquire and obtain available software upgrades. By providing the at least one mobile device with a software update schedule table, the at least one mobile device can be configured to obtain wireless software upgrades at predetermined times. For example, such predetermined times may correspond to times when the host computer is at a low-load level (see col. 2, lines 63 to col. 3, line 5). Hence, the client computer initiates the request.

Applicant's further alleges "the proposed combination of references are not believed combinable".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fuentes

reference is relied upon by the examiner the teaching of sending a client a request with

the phone number of the client (see the abstract, which describes the client request

contains a phone of the client terminal). In addition, although, Criss et al., teaches the

transmitted request includes variety information fields such as header fields, the

hardware address field and other fields which may include telephone number of the

client terminal (i.e. telephone set or mobile device), but is silent the request contain a

phone number. Hence, one ordinary skill would have readily recognized client request

might contain phone number as suggested by Fuentes thus enabling the users of the

client terminal to be identified with their telephone number even when they are calling

from a different location.

Allowable Subject Matter

4.   Claims 2, 4, 5, 9, 11, 16, 18, 20 and 26 are allowed.

Claim Rejections - 35 USC 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

6.   Claims 1, 3, 6-8, 10, 12-15, 17, 19, 21-25, 27-32, are rejected under 35

U.S.C. 103(a) as being unpatentable over Criss et al U.S. Patent No. 6,308,061, in view

of Fuentes U.S. Patent No. 5,960,340.

As per claim 1, Criss et al., disclose a system for updating data installed on a

client terminal from a server system via a communication network, comprising:

at said client terminal,

(a) storing a version number of the installed data (see col. 7, lines 15-51 and col.

11, line 54 to col. 12, line 54);

(b) transmitting a request message to the server system via the communication

network in response to an event triggered by a user a of said client terminal, said

request message containing the version number of said data (see col. 7, lines

15-51 and col. 11, line 54 to col. 12, line 54);

at said server system,

(c) storing most recent data and a version number of the most recent data (see

col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(d) receiving the transmitted request and comparing the version number

contained in the received request to the stored version number (see col. 7, lines

15-51 and col. 11, line 54 to col. 12, line 54);

(e) transmitting a copy of said most recent data and the version number of the

most recent   data to said client terminal via the is communication network if there

is a mismatch between the compared version numbers and a phone number of

said client terminal (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line

54);and

at said client terminal,

(f) receiving the copy of the most recent data and the version number from the

server system and updating the installed data with the received copy and

updating the stored version number with the received version number (see col.

7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone

number of the client terminal.

Fuentes discloses a wireless communications system including a client terminal

(wireless telephone set or mobile device) for transmitting a request message containing

the devices telephone number (see the abstract). Furthermore, Criss et al., teaches the

transmitted request includes variety information fields such as header fields, the

hardware address field and other fields, which may include telephone number of the

client terminal (i.e. telephone set or mobile device). Therefore, it would have been

obvious to one having ordinary skill in the art at the time of the invention to use to a

phone number to identify the client terminal, advantageously, enabling the users of the

client terminal to be identified with their telephone number even when they are calling

from a different location.

As per claim 3, Criss et al., disclose a system for updating data installed on a client

terminal from a server system via a communication network, comprising:

at said client terminal,

> (a) storing a version number of the installed data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

> (b) transmitting a request message to the server system via the communication network in response to an event triggered by a user a of said client terminal, said request message containing the version number of said data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

at said server system,

> (c) storing most recent data and a version number of the most recent data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

> (d) receiving the transmitted request and comparing the version number contained in the received request to the stored version number (see col. 7, lines 15-51 and col. 11, line   54 to col. 12, line 54);

> (e) transmitting a copy of said most recent data and the version number of the most recent   data to said client terminal via the is communication network if there is a mismatch between the compared version numbers and a phone number of said client terminal (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);and

at said client terminal,

> (f) receiving the copy of the most recent data and the version number from the server system and updating the installed data with the received copy and

updating the stored version number with the received version number (see col.

7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone

number of the client terminal.

Fuentes in an analogous art discloses a wireless communications system including a

client terminal (wireless telephone set or mobile device) for transmitting a request

message containing the devices telephone number (see the abstract). Furthermore,

Criss et al., teaches the transmitted request includes variety information fields such as

header fields, the hardware address field and other fields, which may include telephone

number of the client terminal (i.e. telephone set or mobile device). Therefore, it would

have been obvious to one having ordinary skill in the art at the time of the invention to

use to a phone number to identify the client terminal, advantageously, enabling the

users of the client terminal to be identified with their telephone number even when they

are calling from a different location.

In considering claims 6 and 7, Criss et al., discloses a system wherein said client

terminal is a wireless mobile terminal and said communication network is a mobile

communication network and wherein said server system comprises a home location

register connected to said mobile communication network and a server connected to

said home location register and said network, and wherein said request from the client

terminal is a location registration request (see (see fig. 1, element 36 and col. 5, line 65

to col. 6, line 58).

In considering claims 8, Criss et al., discloses a system wherein the step 8 further a

comprises, at said server system, receiving new data from a network manager (an

administrator) when the network manager makes a change in previous data and storing

the new data as said most recent data(see col. 7, lines 52-67).

As per claim 10, Criss et al., disclose a system for updating data installed on a client

terminal from a server system via a communication network, comprising:

at said client terminal,

       (a) storing a version number of the installed data (see col. 7, lines 15-51 and col.

       11, line 54 to col. 12, line 54);

       (b) transmitting a request message to the server system via the communication

       network in response to an event triggered by a user a of said client terminal, said

       request message containing the version number of said data (see col. 7, lines

       15-51 and col. 11, line 54 to col. 12, line 54);

at said server system,

       (c) storing most recent data and a version number of the most recent data (see

       col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

       (d) receiving the transmitted request and comparing the version number

       contained in the received request to the stored version number (see col. 7, lines

       15-51 and col. 11, line 54 to col. 12, line 54);

(e) transmitting a copy of said most recent data and the version number of the

most recent   data to said client terminal via the is communication network if there

is a mismatch between the compared version numbers and a phone number of

said client terminal (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line

54);and

at said client terminal,

(f) receiving the copy of the most recent data and the version number from the

server system and updating the installed data with the received copy and

updating the stored version number with the received version number (see col.

7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone

number of the client terminal.

Fuentes in an analogous art discloses a wireless communications system including a

client terminal (wireless telephone set or mobile device) for transmitting a request

message containing the devices telephone number (see the abstract). Furthermore,

Criss et al., teaches the transmitted request includes variety information fields such as

header fields, the hardware address field and other fields, which may include telephone

number of the client terminal (i.e. telephone set or mobile device). Therefore, it would

have been obvious to one having ordinary skill in the art at the time of the invention to

use to a phone number to identify the client terminal, advantageously, enabling the

users of the client terminal to be identified with their telephone number even when they

are calling from a different location.

In considering claims 12 and 13, although, Criss et al., is silent the server system, imposing traffic control on the transmission of said copy of the most recent data when traffic of the request from said client terminal exceeds a predetermined rate, however, one skilled would have motivated to use such traffic control mechanism to avoid one particular client terminal to overload the network.

In considering claim 14, Criss et al., discloses a system wherein said client terminal is a wireless mobile terminal and said communication network is a mobile communication network and wherein said server system comprises a home location register connected to said mobile communication network and a server connected to said home location register and said network, and wherein said request from the client terminal is a location registration request (see fig. 1, element 36 and col. 5, line 65 to col. 6, line 58).

In considering claim 15, Criss et al., discloses a system wherein the step 8 further a comprises, at said server system, receiving new data from a network manager (an administrator) when the network manager makes a change in previous data and storing the new data as said most recent data(see col. 7, lines 52-67).

As per claim 17, Criss et al., disclose a system for updating data installed on a client terminal from a server system via a communication network, comprising:
at said client terminal,

(a) storing a version number of the installed data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(b) transmitting a request message to the server system via the communication network in response to an event triggered by a user a of said client terminal, said request message containing the version number of said data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

at said server system,

(c) storing most recent data and a version number of the most recent data (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(d) receiving the transmitted request and comparing the version number contained in the received request to the stored version number (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(e) transmitting a copy of said most recent data and the version number of the most recent data to said client terminal via the is communication network if there is a mismatch between the compared version numbers and a phone number of said client terminal (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);and

at said client terminal,

(f) receiving the copy of the most recent data and the version number from the server system and updating the installed data with the received copy and updating the stored version number with the received version number (see col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone

number of the client terminal.

Fuentes in an analogous art discloses a wireless communications system including a

client terminal (wireless telephone set or mobile device) for transmitting a request

message containing the devices telephone number (see the abstract). Furthermore,

Criss et al., teaches the transmitted request includes variety information fields such as

header fields, the hardware address field and other fields, which may include telephone

number of the client terminal (i.e. telephone set or mobile device). Therefore, it would

have been obvious to one having ordinary skill in the art at the time of the invention to

use to a phone number to identify the client terminal, advantageously, enabling the

users of the client terminal to be identified with their telephone number even when they

are calling from a different location.

As per claim 19, Criss et al., disclose a system for updating data installed on a client

terminal from a server system via a communication network, comprising:

at said client terminal,

> (a) storing a version number of the installed data (see col. 7, lines 15-51 and col.
>
> 11, line 54 to col. 12, line 54);
>
> (b) transmitting a request message to the server system via the communication
>
> network in response to an event triggered by a user a of said client terminal, said
>
> request message containing the version number of said data (see col. 7, lines
>
> 15-51 and col. 11, line 54 to col. 12, line 54);

at said server system,

(c) storing most recent data and a version number of the most recent data (see

col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(d) receiving the transmitted request and comparing the version number

contained in the received request to the stored version number (see col. 7, lines

15-51 and col. 11, line 54 to col. 12, line 54);

(e) transmitting a copy of said most recent data and the version number of the

most recent data to said client terminal via the is communication network if there

is a mismatch between the compared version numbers and a phone number of

said client terminal (see   col. 7, lines 15-51 and col. 11, line 54 to col. 12, line

54);and

at said client terminal,

(f) receiving the copy of the most recent data and the version number from the

server system and updating the installed data with the received copy and

updating the stored version number with the received version number (see col.

7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone

number of the client terminal.

Fuentes in an analogous art discloses a wireless communications system including a

client terminal (wireless telephone set or mobile device) for transmitting a request

message containing the devices telephone number (see the abstract). Furthermore,

Criss et al., teaches the transmitted request includes variety information fields such as

header fields, the hardware address field and other fields, which may include telephone number of the client terminal (i.e. telephone set or mobile device). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use to a phone number to identify the client terminal, advantageously, enabling the users of the client terminal to be identified with their telephone number even when they are calling from a different location.

In considering claim 21, although, Criss et al., is silent the server system, imposing traffic control on the transmission of said copy of the most recent data when traffic of the request from said client terminal exceeds a predetermined rate, however, one skilled would have motivated to use such traffic control mechanism to avoid one particular client terminal to overload the network.

In considering claims 22 and 23, Criss et al., discloses a system wherein said client terminal is a wireless mobile terminal and said communication network is a mobile communication network and wherein said server system comprises a home location register connected to said mobile communication network and a server connected to said home location register and said network, and wherein said request from the client terminal is a location registration request (see fig. 1, element 36 and col. 5, line 65 to col. 6, line 58).

In considering claim 24, Criss et al., discloses a system wherein the step 8 further a

comprises, at said server system, receiving new data from a network manager (an

administrator) when the network manager makes a change in previous data and storing

the new data as said most recent data (see col. 7, lines 52-67).

As per claim 25, Criss et al., disclose a system for updating data installed on a client

terminal from a server system via a communication network, comprising:

at said client terminal,

(a) storing a version number of the installed data (see col. 7, lines 15-51 and col.

11, line 54 to col. 12, line 54);

(b) transmitting a request message to the server system via the communication

network in response to an event triggered by a user a of said client terminal, said

request message containing the version number of said data (see col. 7, lines

15-51 and col. 11, line 54 to col. 12, line 54);

at said server system,

(c) storing most recent data and a version number of the most recent data (see

col. 7, lines 15-51 and col. 11, line 54 to col. 12, line 54);

(d) receiving the transmitted request and comparing the version number

contained in the received request to the stored version number (see col. 7, lines

15-51 and col. 11, line 54 to col. 12, line 54);

(e) transmitting a copy of said most recent data and the version number of the

most recent   data to said client terminal via the is communication network if there

is a mismatch between the compared version numbers and a phone number of

said client terminal (see col. 7, lines 15-51 and col. 11, line   54 to col. 12, line

54);and

at said client terminal,

    (f) receiving the copy of the most recent data and the version number from the

    server system and updating the installed data with the received copy and

    updating the stored version number with the received version number (see col.

    7, lines 15-51 and col. 11, line 54 to col. 12, line 54).

Criss et al., is silent regarding: the transmitted request message contains a phone

number of the client terminal.

Fuentes in an analogous art discloses a wireless communications system including a

client terminal (wireless telephone set or mobile device) for transmitting a request

message containing the devices telephone number (see the abstract). Furthermore,

Criss et al., teaches the transmitted request includes variety information fields such as

header fields, the hardware address field and other fields, which may include telephone

number of the client terminal (i.e. telephone set or mobile device). Therefore, it would

have been obvious to one having ordinary skill in the art at the time of the invention to

use to a phone number to identify the client terminal, advantageously, enabling the

users of the client terminal to be identified with their telephone number even when they

are calling from a different location.

In considering claim 27 and 28, although, Criss et al., is silent the server system, imposing traffic control on the transmission of said copy of the most recent data when traffic of the request from said client terminal exceeds a predetermined rate, however, one skilled would have motivated to use such traffic control mechanism to avoid one particular client terminal to overload the network.

In considering claim 29, Criss et al., discloses a system wherein said client terminal is a wireless mobile terminal and said communication network is a mobile communication network and wherein said server system comprises a home location register connected to said mobile communication network and a server connected to said home location register and said network, and wherein said request from the client terminal is a location registration request (see fig. 1, element 36 and col. 5, line 65 to col. 6, line 58).

In considering claim 30 Criss et al., discloses a system wherein the step 8 further a comprises, at said server system, receiving new data from a network manager (an administrator) when the network manager makes a change in previous data and storing the new data as said most recent data (see col. 7, lines 52-67).

In considering claim 31, Fuentes discloses the method as claimed in claim 1, wherein the phone number is ten digit telephone number assigned to the client terminal (see abstract, which describes the phone number of the terminal is received with the request).

In considering claim 32, Criss et al., discloses the method as claimed in claim 1,

wherein the steps (a) through (f) are performed in sequential order (see col. 7, lines 15-

51).

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

CONCLUSION

8.   The prior art made of record and relied upon is considered pertinent to the

applicant's disclosure.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-

8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can

be reached on 703-305-4792. The fax phone number for the organization where this

application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should mailed to:

Box AF

   Commissioner of Patents and Trademarks

   Washington, DC 20231

or faxed to: (703) 872-9306.

As

4/15/2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100